

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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**ANN L. HAUGHT,  
9130 Santa Rita Road  
Baltimore, Maryland 21236**

**Plaintiff,**

**v.**

**THOMAS E. WHITE, Secretary  
DEPARTMENT OF THE ARMY  
101 Army Pentagon, N. W.  
Washington, D. C. 20310-0101**

**Defendant.**

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**C.A. No.: WDQ-02-3919**

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO  
DISMISS OR FOR SUMMARY JUDGMENT**

Plaintiff, Ann L. Haught, by her attorneys, Joseph T. Mallon, Jr. and Mallon & McCool, LLC, responds in opposition to the Defendant's Motion to Dismiss or for Summary Judgment and in support states:

1. The Plaintiff's action was brought to remedy disparate treatment discrimination in employment on the basis of her sex and age.
2. The Plaintiff has alleged in the Complaint and pursuant to testimony under oath that her superior, Colonel Bruce Berwick In 1999 and 2000, made comments to her regarding her age and sex. Specifically, Colonel Berwick made the following comments: 1) "a woman your age should not be working;" and 2) "you should retire and go home to your husband and family."

3. The Plaintiff refused to retire and was subsequently demoted in rank from GS-10 to GS-9.

4. The pay rank downgrade decreased Mrs. Haught's salary by five thousand two hundred seventy-one dollars per year (\$5,271.00) and reduced the annual cost of living adjustment on her pension by one percent annually. (See Affidavit of Ann L. Haught attached as Exhibit 2).

5. The demotion was retroactively rescinded three months after it went into effect; however, the Plaintiff suffered embarrassment and pain and suffering.

6. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., permits claimants to recover for pain and suffering. Consequently, Ms. Haught has demonstrated that she suffered an adverse employment action.

WHEREFORE, for the reasons set forth above and for those set forth in Plaintiff's Memorandum in Support of Her Opposition to Defendant's Motion to Dismiss or for Summary Judgment, the Plaintiff request that the Motion be denied.

Respectfully submitted,

/s/

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